



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE:



Document: Stipulation to Informal Disposition

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION**

In the Matter of



Respondent

No. M2018-701

**STIPULATION TO INFORMAL
DISPOSITION**

1. STIPULATION

1.1 The health services consultant of the Nursing Care Quality Assurance Commission (Commission), on designation by the Commission, has made the following allegations.

- A. On September 28, 2004, the state of Washington issued Respondent a credential to practice as a registered nurse. Respondent's credential is currently active.
- B. At all times relevant to the allegations below, Respondent was working as a registered nurse at the Kitsap County Jail in Port Orchard, Washington (Facility).
- C. On July 4, 2017, staff working at the Facility telephoned Respondent to let her know that there might not be enough Librium 25 mg capsules to complete the evening medication pass. The Facility administered Librium to inmates with symptoms of withdrawal.
- D. Respondent asked staff to provide the name and birth date of an inmate who was suffering from withdrawal. Staff provided Patient A's name.
- E. Respondent telephoned the Facility's Medical Director and the Medical Director called in to the pharmacy a prescription for ninety (90) 25 mg capsules of Librium for Patient A.
- F. Respondent picked up Patient A's prescription and brought it to the Facility. Respondent told staff that if the Facility's stock supply of Librium ran out they should administer the Librium, from Patient A's prescription, to those inmates experiencing withdrawal symptoms.

1.2 Respondent does not admit any of the allegations in the Statement of Allegations and Summary of Evidence or in Paragraph 1.1 above. This Stipulation to Informal Disposition (Stipulation) shall not be construed as a finding of unprofessional conduct or inability to practice.

1.3 Respondent acknowledges that a finding of unprofessional conduct or inability to practice based on the above allegations, if proven, would constitute grounds for discipline under RCW 18.130.180(7) and WAC 246-840-710(2)(a).

1.4 Respondent agrees that under RCW 18.130.172, any sanction as set forth in RCW 18.130.160, except subsections (1), (2), (6), and (8), may be imposed as part of this Stipulation, but the Respondent may agree to reimburse the disciplining authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars (\$1,000.00) per allegation.

1.5 The parties wish to resolve this matter by means of this Stipulation pursuant to RCW 18.130.172(1).

1.6 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Commission.

1.7 This Stipulation is not formal disciplinary action. However, if the Commission accepts this Stipulation, it will be reported to the National Practitioner Databank (45 CFR Part 60), Nursys® (www.nursys.com), and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW).

1.8 The Commission agrees to forgo further disciplinary proceedings concerning the allegations.

1.9 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

1.10 Respondent understands that a violation of this Stipulation, if proven, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

2. COMPLIANCE WITH SANCTION RULES

2.1 The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the Commission to impose

terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

2.2 Respondent's alleged conduct falls in Tier A of the "Practice Below Standard of Care" schedule, WAC 246-16-810. The sanction range associated with that tier does adequately address the alleged facts of this case.

2.3 The Commission considered the following aggravating factors:

A. There were none noted.

2.4 The Commission considered the following mitigating factors:

A. There was only one (1) act of unprofessional conduct.

3. INFORMAL DISPOSITION

The parties agree to the following:

3.1 Respondent's credential to practice as a nurse in the state of Washington shall be placed on **PROBATION** for at least twelve (12) months commencing on the effective date of this Stipulation. During the course of probation, Respondent shall comply with all of the following terms and conditions.

3.2 Respondent shall cause her health care employer to submit four (4) quarterly performance evaluation reports directly to the Commission on forms provided by the Commission. If Respondent is not employed as a nurse, Respondent shall submit quarterly declarations, under penalty of perjury, on forms provided by the Commission, stating dates of unemployment as a nurse, in lieu of the employer reports. Declarations of unemployment shall not be counted toward the required number of employer reports. This Stipulation will remain in effect until all required health care employer reports have been received by the Commission. Each quarterly report must cover, at a minimum, one hundred and fifty (150) hours of Respondent's practice as a nurse.

The first employer report or unemployment declaration shall be due thirty (30) days from the effective date of this order. Failure to submit information or making false or misleading statements may lead to further disciplinary action, up to and including suspension and revocation.

3.3 In addition to mandatory continuing education, within ninety (90) days of the effective date of this Stipulation, Respondent shall complete 7.2 hours of continuing education, pre-approved by the Commission or its designee, as follows:

- A. 3.6 hours of continuing education in the area of sharpening critical thinking.
- B. 3.6 hours of continuing education in the area of supervision.

3.4 In addition to mandatory continuing education, within one hundred eighty (180) days of the effective date of this Stipulation, Respondent shall complete 15 hours of continuing education, pre-approved by the Commission or its designee, in the area of prevention of medication errors.

Respondent shall provide the Commission with proof of completion of all of the above continuing education within thirty (30) days of such completion. Failure to complete the required minimum hours of pre-approved continuing education in the specified areas within the specified time(s) shall constitute a violation of this Stipulation.

3.5 Any documents required by this Stipulation shall be sent to Nursing Commission Compliance at PO Box 47864, Olympia, WA 98504-7864.

3.6 Respondent is responsible for all costs of complying with this Stipulation.

3.7 Respondent shall inform the Nursing Commission Customer Service of changes in Respondent's residential and/or business address within thirty (30) days of the change. Respondent shall inform the Commission by calling (360) 236-4703, or by writing to the Nursing Commission Customer Service, PO Box 47864, Olympia, WA 98504-7864.

3.8 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

3.9 The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

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4. RESPONDENT'S ACCEPTANCE

I, [REDACTED] have read, understand and agree to this Stipulation.
This Stipulation may be presented to the Commission without my appearance. I
understand that I will receive a signed copy if the Commission accepts this Stipulation.

[REDACTED]

11/15/18

DATE

_____, WSBA #
ATTORNEY FOR RESPONDENT

DATE

5. COMMISSION ACCEPTANCE

The Commission accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

DATED: December 4, 2018

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

Louis E. Abel, MS, MBA, RN
PANEL CHAIR

PRESENTED BY:

Sarah Bendersky

SARAH BENDERSKY, WSBA #30481
DEPARTMENT OF HEALTH STAFF ATTORNEY

December 4, 2018
DATE